

The regular meeting of the Town Assembly of the Village of Arden was convened at 7:40 PM on March 28, 1988, Chairman William C. Press presiding.

In Attendance were:

Steve Tanzer	Bernie Brachman	Ruth Bean
John Page	Ruth Estes	Tony Colgan
Mamie Woolery	Patricia Press	Shaul Gladstone
Rae Gerstine	Bill Press	Thomas E. Colgan
Maryellen Jobson	Bertha Brooks	Elizabeth Varley Walker
John Hewlett	Cy Liberman	Ronald Enie
Ethel Monfort	Romeo Hubner	Paul Thompson
Gail Rinehart	Don Holcomb	Connee Wright McKinney
Betty Knott	Steven Threefoot	Clara Dossett
Frank Young	Yvonne King	Bill Weible
Lee Starr	A. Barnes King	James Schwaber
Eugene Shaw	Anne Berlin	John Grimaldi
Jean Brachman	Barbara Fenske	Pat Pyle
William Bailey	Leon Tanzer	Marianne Cinaglia
Sally Thurston	Frank Akutowicz	Milton Isaacs
John Austin	John Dossett	Bill Theis
Woodrow Vandever	Susan Rohrbach	Sally Hamburger
Helen Macklem	Edward Rohrbach	Andy Gallagher
Tim Colgan	Drew Burslem	Aaron Hamburger
June Kleban	Bonnie Burslem	Larry C. Walker
Hugh Roberts	Joan W. Colgan	Carolyn Liberman
Carol Page	Ted Southwell	

Announcements:

Only eligible voters are permitted to vote at Town Assembly. Please be sure you are one before participating in a vote; all comments are welcome.

It is an honor to be nominated to serve on a town committee, please take your job seriously if elected and attend all meetings.

Remember that a no-smoking rule was voted at the January meeting. There will be smoking breaks during the evening.

Communications:

A letter from the Census Bureau offers summer jobs to those interested in collecting census information this summer. Please notify the secretary by April 15 if you are interested.

The rules of Town Assembly procedure were suspended to permit the vote for Standing Committees and Town Officials to take place at this time.

The Registration Committee is experimenting with a new ballot format in an attempt to facilitate a faster vote count. Please mark your choices with X's. If the committee finds it is having difficulty with the count, it will inform the Assembly and delay the count until a later time. An agent has been designated to bring the committee written motions that come to the Assembly floor during the vote count so the



members may participate. Since three members of the committee are sick tonight, one non-elected counter and two watchers will participate. Latecomers may vote if they arrive before the tally is completed.

Minutes of the January meeting were approved.

#### COMMITTEE REPORTS

##### Trustees - Shaul Gladstone

The Advisory Committee requested that the Trustees take a position on the request by Don Holcomb, Jr., to modify the agreement governing the Meadow Lane access of his lot. While the Trust has no direct authority over village roads, the Trustees were signatories to the agreement. In the opinion of Counsel, they would therefore be parties to any changes agreed upon by the Town Assembly and Mr. Holcomb.

The agreement was consummated in good faith by the Town Assembly, after exhaustive debate, and the previous holder of Mr. Holcomb's deed. It appeared to afford satisfactory protection to the village while affording the lot in question adequate access.

The Trustees have examined the possibility of re-negotiating the agreement from the following two standpoints:

- a) Will any benefit accrue to Arden from changing the agreement?
- b) Is it impossible for the present deed holder to conduct normal residential ingress and egress under the present agreement?

With respect to "a", it does not appear that the village will derive any benefit. With respect to "b", if Mr. Holcomb feels that current access is inadequate for a normal residential property, there appear to be many options open to him without altering the terms of the current agreement. Since the house was built after the agreement, those options could have been considered before construction was started to be certain that the agreement could be maintained.

Absent any new information to the contrary, which we would certainly be willing to consider, the Trustees must therefore take a position opposing any change in the present agreement.

Authorization has been granted to split a lot which currently contains two houses. The property meets the tentative guidelines adopted by the Trustees at a joint meeting with the Community Planning Committee. No additional houses will be built, and the Land Rent will remain the same.

Form letters have been drafted to be sent to all mortgage holders escrowing taxes on Arden property, and to be attached to all leasehold transfers. It is hoped that this step will minimize future errors by mortgage companies, attorneys and real estate agents with respect to the handling of Arden Land Rent and New Castle County Taxes.

Our sister Village of Ardentown has apparently granted the Sewer Department an easement to run an 8 inch above-ground pipeline across its property adjacent to Chestnut Street near the corner of Marsh Rd. Its effect is to dump raw sewage into the Creek during periods of heavy rain. It appears to have been installed to protect a house built on a lot previously owned by Ardentown. The rationale appears to be that the sewer lines on the other side of the Creek are currently inadequate and overflow periodically in the woods further east on Chestnut St. It is our understanding that these lines are scheduled for enlargement, and



the Delaware Dept. of Natural Resources and Environmental Control is aware of the situation.

The time-table for the enlargement process is as follows:

- a - Consultant to be hired - 2 to 3 weeks.
- b - Development of feasibility plan - 1 year.
- c - Request for \$5,000,000 Federal Grant - 6 months.
- d - Construction - 1 year.

It appears that there is no other way to solve this problem. The New Castle County Dept. of Public Works has offered to supply a spokesperson to explain the magnitude of the problem and its eventual solution if we wish to pursue the matter further.

#### DISCUSSION:

The problem of raw sewage in the Arden Creek may not be resolved for 2 1/2 - 6 years. The line was put in to protect a house built on a flood plain; the house should never have been built in the first place. Why must Arden suffer the consequence?

Moved: That a representative from the New Castle County Dept. of Public Works be invited to the June Town Assembly to explain the problem and proposed solution. Copies of this motion should go to Representatives Gwynne Smith and Charles Hebner and Councilman Richard Cecil.

#### Motion Approved.

#### Assessors - Cy Liberman

Tomorrow evening at 8 o'clock the assessors will hold the first of three public hearings on the assessment for the next fiscal year. We would like to hear from any and all interested persons on any matter related to the work of the assessors which is to establish the land rent for the year beginning about one year from now. The hearing will be held at the Buzz Ware Village Center. Later hearings are scheduled for May 24 and June 1.

#### Audit - James Schwaber

For the past two years the committee has received the audit on the day of the June Town Assembly - too late for a thorough review and report to the meeting as called for in the town charter. The Trustees are asked to lean on the auditor for an earlier report deadline.

#### Budget - No Report

#### Buzz Ware Village Center - Connee Wright McKinney

New government regulations require that any building used as a school must be inspected for asbestos. The deadline for the inspections is October, 1988. The inspector must be a certified asbestos inspector. The Wilmington Montessori Assoc. has assigned one of their board members to carry through with the government regulations. Our committee chairperson, Cy Liberman, has had a consultant with knowledge of asbestos, who is not certified, visit the Center. His conclusion is that the building is asbestos free.

A diligent group of volunteers has met to produce crafts to raise funds for the Sunshine Foundation for the second year. The turn-out was excellent for the two Saturdays in February. The children made notepaper, book markers, potted plants, and



constructed plaques. A sale of these items was held on Saturday, February 27, and homemade soup and sandwiches were served. Much to our happy surprise, with donations and money from the sale, \$260 was raised, all of it donated to the New Castle County Branch of the Sunshine Foundation. Many thanks to the dozen or so children and adults who participated, particularly Barbara Fenske, Sarah Moore, and Ann Berlin for their help.

Last Saturday, March 26, an ACRA group of children and adults met to make and decorate Easter baskets to be distributed to all of the residents of Longwood Villa Nursing Home. If anyone is interested in joining us, please come to the BWVC after the ACRA Easter Egg Hunt this Saturday, April 2. We will be assembling the gifts there and then, with the Easter Bunny in the lead, driving out as a group to Longwood Villa.

Since the last town meeting, there have been six meetings and six events at the BWVC. For those of you who might be newly elected tonight, if you want to schedule your committee meeting at the center--and I encourage you to do so--call me at home (475-2370) in the evening or at my studio (475-0703) during the day.

#### Civic - Gene Shaw

The Civic Committee received a report from the State Highway Department's consulting engineer concerning Harvey Rd. drainage. We are prepared to follow their suggestions and will report any progress.

ROADS: Major maintainance consists of paving over large portions of roadway that are starting to break up or patching ~~if the area is not too large~~. As new paving is installed over old, the road surface rises and will eventually reach a point where we cannot practically go any higher. At this point, we have to remove some or all of the old paving and start over. This process can cost as much as \$5 per square foot. One contractor told me of a heavy duty commercial sealer that might extend the useful life of our better roads but this method would only defer the final rebuilding. Faced with stripping and repaving any large area, the civic budget could not possibly cover the cost. The committee asks the Assembly to consider ways of financing projects such as this. We need more information in order to bring a comprehensive plan to the Assembly and will report again in June.

SPEED HUMPS: The committee has ordered the installation of three speed control humps on Millers Rd. in front of 2106, 1905 and centered on the Green. The cost is \$34 per ft. or in the area of \$475 each, plus signs and reflective paint. At present, the committee recommends the installation of three-way stop signs on Sherwood at Hillside and Lovers.

#### DISCUSSION:

The Safety Committee will proceed with stop signs on Sherwood at Hillside but feels signs at Lovers Lane are unnecessary. Several residents questioned the need for signs indicating the humps - is this a legal requirement? Won't the humps alone do the job? Why litter our landscape with more signs than necessary? Why install a hump on Millers so close to the stop sign at Hillside? This is a recommendation from the State Highway Dept. to slow the traffic flow. Some residents would prefer humps on Sherwood rather than signs.



GARBAGE: Mr. Laxton has verbally agreed to reduce his bid for the current year to \$40,000. When questioned about future estimates for behind the house service, he would not commit himself, but Paul and Gene both got the impression that the gap between our present service and curb pick-up would be greater than the \$8500 we were offered this year. Mr. Laxton did agree that if we would go to curb pick-up he would be willing to make arrangements to pick up containers for residents physically unable to move them to the curb.

Each time the question of changing our present behind-the-house collection to a less expensive curb-side pick-up arises, we are faced with the answer that inception of town garbage collection was through a general referendum and may not be changed by the Town Assembly.

Moved: That the fall referendum contain a ballot asking resident if they want to continue our present system, as long as it is available, regardless of cost, or switch to curbside pick-up at a reduced price.

The ballot should contain next year's estimates, if they are available, if not - the original estimates for this year.

#### DISCUSSION:

CON: A special referendum is not needed, the garbage portion of the budget passes with a large majority every year. "Regardless of cost" is a loaded phrase. Every voter gets a copy of the minutes, the Assembly can decide on the garbage contract. The Civic Committee should negotiate a long term contract with a built in escalation factor.

PRO: Many residents already leave their cans on the street. Those voting for garbage on the budget are voting for the service, not the type of collection.

#### Motion Defeated

#### Safety - Tim Colgan

The stop sign at the intersection of Orleans and Millers was stolen and has been replaced. The stop sign at the intersection of Green and Cherry Lanes was removed by persons unknown and placed on the Arden Green. It was re-erected by Safety Committee members. Besides being a violation of State law and an inconvenience, loss of signs to the town is an insidious expense. Every stop sign that must be replaced costs the town \$75. If you see a sign being removed, please call the police first, then contact a member of the Safety Committee.

Pat Press (8038), the Town Watch Coordinator, has informed me that the watch is in operation. You can be of valuable assistance to the County Police by being on the lookout for suspicious activity. Being an active participant in our watch program demonstrates you care about crime in our community and are willing to volunteer a small amount of time to help keep Arden crime free.

#### Registration - Virginia Shaw

There are 406 qualified voters on this date.

The committee met last week to test the proposed new ballot for the March election. Although the results were not satisfactory, we decided to make certain changes in the set-up and try the



method again this evening. If we find at an early stage of the count that we are still getting erratic figures, we will terminate the tallying unfinished and repeat it in the traditional way later in the week.

At the same meeting we made the annual census for matching fund programs. The Secretary will forward the final figures to the appropriate officials - 502.

#### Community Planning - Steve Tanzer

The annual woods clean-up will be on Saturday, April 16 and will begin at 9 AM at the creek by the Marsh Rd. end. Bring yourselves, gloves, hip boots, trash bags, etc. Refreshments will be served after the clean-up at noon to all who participated.

As I reported at the last Town meeting, the Dept. of Transportation survey indicated that we would not qualify for a light at Harvey & Orleans. I had the occasion to be down at DELDOT North Division Headquarters and look at the numbers and I want the town to know that we weren't even close. DELDOT does an hourly traffic count between 7 AM and 6 PM and there are certain levels that must be met. Between 7 and 8, that level was met on Harvey. Otherwise, at no other time were either the major (Harvey) or minor (Orleans) warrants met. Further, the pedestrian crossing numbers were miniscule. However, that is beside the point. Regardless of the pedestrian figures, if the traffic warrants are not met at the intersection, there will be no light there. DELDOT conducted this survey in October and will be back to do another count of pedestrians in the summer. However, under current conditions, it is not realistic to envision a light at the intersection, and I would suggest that the town consider other alternatives to protect their children when crossing Harvey. Perhaps ACRA and the pool can work together to develop some type of crossing guard during the busy summer season.

#### DISCUSSION:

Concerning the large oak tree stump near the Spring House, Leon Tanzer asked Bunni Hurlong to look at it with an eye toward making it into an attractive sculptural piece. Community Planning Committee agreed to oversee this project.

There will be a spring clean-up of the Memorial Garden on April 30 from 9-11 AM followed by coffee at the Monforts. Please bring clippers and saws.

#### Playground - Larry Walker

During the past two months, the required playground equipment inspection was made. Some repairs were completed. The root mulch donated by the Wilmington Montessori Assoc. was spread under the swings on both the Village Green and the Sherwood Green. The lines for a half-court basketball playing area were painted; this should make basketball playing more fun. All of the equipment is in safe operating condition.

Major maintenance and renovation projects for this summer are:

- 1) Painting all equipment
  - 2) Rebuilding the picnic table in front of the BWVC
  - 3) Thoroughly checking the swing set supports on the four swing sets
- Three maintenance inspections are scheduled for the coming quarter.

#### DISCUSSION:

The stile steps are in bad shape and present a safety hazard. Ethel Monfort said the Merry-Go-Rounders would accept responsibility for this repair.



Legislative Reference - John Dossett

Indexing of town documents is almost done. We need to put this information on a word processor. This is a long process and will cost some money.

Moved: That the Town Assembly support the continued operation of the Legislative Reference Committee, first established in March of 1987.  
We ask the Town Assembly to develop a slate of nominees to this committee which is to be brought to the June meeting from which 3 shall be elected to serve for the term of June 1988 to March 1989.  
We move that beginning in March 1989 membership to this committee, which is intended to be 3, move into the alternate year process with one member being elected on odd numbered years and two members being elected on even numbered years for a two year term of office or until a successor is duly elected.  
We move that in order to establish the alternate year process, the membership position elected at the March 1989 meeting by the lowest positive vote stand for re-election at the March 1990 meeting.

Motion Carried

OLD BUSINESS

Variance Request on Meadow Lane

Don Holcomb, Jr. presented a diagram of his lot and the proposed circular drive. He assured the Assembly that he is not operating a construction company on his lot. He wants to prevent his guests from parking on Meadow Lane and find it difficult to back out of his current drive because of the yew hedge.

Moved that the Access Agreement between the Village of Arden and the landowner be amended in relation to part #1, item e to allow lot #6 to have two curb cuts.

DISCUSSION:

The Holcombs have other options to cope with their problem; a turn-around pad near the garage or behind the house, trim back the bushes, widen the existing driveway.

The specific intent of the original agreement was one access per landlocked lot. This was to prevent an access being used for a lot behind the one abutting Meadow Lane.

The Holcombs knew of the restriction when they built their house, why didn't they leave more space in front for parking? Don replied that they situated their house in order to have a back yard.

The drawing is not to scale, this makes it hard to make an informed decision.

The request presents a philosophical difficulty. Having applied its terms rigidly to one of the neighboring lot-holders, a stranger to us, we cannot now make an exception to another lot-holder with Arden ties without opening ourselves to a legitimate charge of gross favoritism. The community divisions of forty years ago grew out of informal administration of town affairs, leading to mutual suspicions, charges and countercharges that ended in Chancery. The fact that old antagonisms have only



rarely flared in the intervening years stems directly from making specific regulations and sticking to them reasonably well. Any alteration of a firmly set policy for the convenience of any individual is asking for trouble - not only in this case but as a precedent.

Motion Defeated - 33 Nay, 12 Yea

#### NEW BUSINESS

Let's not donate our entire fire protection allocation to Claymont Fire Co. Talleyville and Brandywine Companies give us most of our service. Actually, Bethel Fire Company is nearest to Arden. Tony Colgan was congratulated as the new president of Bethel Fire Co. This matter will be decided at the next meeting.

#### GOOD AND WELFARE

Please use a pooper-scooper if you walk your dog on the Green. You are leaving a mess for walker who like to use the area.

#### ELECTION RESULTS

AUDIT: John Hewlett, convener, Mary Irons & Marianne Cinaglia.  
James Schwaber, runner-up.

BUDGET: Patricia Pyle, convener, & Arthur Hurwitz.  
Christine Demsey, runner-up.

BUZZ WARE VILLAGE CENTER: William Theis, convener & John Demsey  
Sue Rohrbach, runner-up.

CIVIC: Bernard Brachman, convener, Lou Bean & Gene Shaw.  
Steven Threefoot & Ethel Monfort tied for runner-up.

COMMUNITY PLANNING: John Grimaldi, convener, & Maria Burslem.  
Sam Starr, runner-up.

PLAYGROUND: Larry Walker, convener, & Ellen Dolmetsch.  
William Busch, runner-up.

REGISTRATION: Patricia Press, convener, Lanier Colgan, Virginia Shaw, & Jean Brachman. John Dossett, runner-up.

SAFETY: A. Barnes King, convener, Thomas Colgan & Donald Berman.  
John Hewlett, runner-up.

TOWN ASSEMBLY CHAIRMAN: Bill Press

ADVISORY COMMITTEE CHAIRMAN: Marianne Cinaglia

ASSEMBLY SECRETARY: Sally Hamburger

ASSEMBLY TREASURER: Rae Gerstine

The tie for Civic Committee alternate can be settled at the June meeting.

MEETING ADJOURNEED - 10:15 PM

*Sally Hamburger*